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10/806,499

03/23/2004

Eric J. Streciwilk

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EXAMINER

GRANT, ALVIN J

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/806,499  
Filing Date: March 23, 2004  
Appellant(s): STRECIWILK, ERIC J.

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Brett G. Corby  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 02/09/10 appealing from the Office action  
mailed 01/05/10

**(1) Real Party in Interest**

The present application has been assigned to Panasonic Corporation of North America, One Panasonic Way, Secaucus, New Jersey 07094.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The following is a list of claims that are rejected and pending in the application:

Claims 3, 4, 10, 11, 16 and 19-21 are rejected and pending.

**(4) Status of Amendments After Final**

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

**(5) Summary of Claimed Subject Matter**

The examiner has no comment on the summary of claimed subject matter contained in the brief.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the

subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

**(7) Claims Appendix**

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

**(8) Evidence Relied Upon**

RE31,095	TSCHUDY	12-1992
6,226,832	McCORMICK	05-2001

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

**Claims 3, 4, 10, 11, 16 and 19-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Tschudy Re. 31,095 in view of McCormick 6,226,832.

Tschudy discloses a floor care cleaning apparatus, comprising the standard elements that include: a nozzle assembly **(10)** including a housing defining an agitator cavity **(28)** a canister assembly connected to the nozzle assembly **(Fig. 2)**; a suction generator **(inherent)** carried by one of the nozzle assembly and the canister assembly; a dirt collection vessel **(inherent)** carried by one of the nozzle assembly and the canister assembly; and an agitator cavity fitting received in the agitator cavity of the nozzle assembly **(col. 2, lines 64-67)**; the agitator cavity fitting including, a cooperating air guide and a conduit, the conduit defining an intake port: the housing, a connector **(46)**, and at least one slot receiving the at least one connector and a channel for receiving the

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air guide (**col. 3, lines 17-29**). Tschudy does not specifically disclose the use of a lug. McCormick discloses a vacuum in which a lug is used to secure the agitator shield to the nozzle so as to facilitate the removal of the inner shield from the nozzle assembly. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used a lug to secure the agitator shield to the nozzle of Tschudy's apparatus so as to facilitate the removal of the inner shield from the nozzle assembly.

#### **(10) Response to Argument**

Appellant's arguments filed 12/9/09 have been fully considered but they are not persuasive.

In response to Appellant's arguments that US Patent Re. 31,095 (to Tschudy) does not disclose any channel for receiving an air guide, Tschudy discloses a channel portion (46) that is connected with the agitator housing that comprises a channel that has grooved sections therein that are considered to be air guides.

In response to Appellant's arguments that Tschudy does not disclose a mounting "lug on" in any aperture on the housing, this feature is taught by US Patent 6,226,832 (to McCormick) as is indicated in the Office Action.

In response to Appellant's arguments that Tschudy does not disclose a tab on the housing and notch on the agitator, Tschudy discloses a tab and notch configuration that is in the reversed order and it functions equally well. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the tab on the housing and the groove on the agitator, since it has been held that a mere

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reversal of the essential working parts of a device involves only routine skill in the art.

*In re Einstein*, 8 USPQ 167.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Alvin J. Grant

/Alvin J Grant/

Examiner, Art Unit 3723

Conferees:

/Joseph J. Hail, III/

Supervisory Patent Examiner, Art Unit 3723

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Supervisory Patent Examiner, Art Unit 3724

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